REMARKS

This application has been reviewed in light of the Office Action dated July 10, 2007. Claims 1, 7-9, 15, 19-27, 30, 31, 37, 38 and 49 are presented for examination. Claims 43, 47 and 48 have been canceled without prejudice or disclaimer of subject matter, and will not be mentioned further. Claims 1, 15, 21, 31 and 49 are in independent form, and have been amended to define more clearly what Applicant regards as his invention. Favorable reconsideration is requested.

In the outstanding Office Action, Claims 1, 9, 15-24, 27, 30, 31, 38 and 49 were rejected under 35 U.S.C. § 103(a) as being obvious from U.S. Patents 6,658,196 (Sakai et al.) and 5,721,856 (Takeuchi), taken in combination. In addition, Claims 7 and 25 were rejected under Section 103(a) as being obvious from those two patents in view of U.S. Patent 5,559,562 (Ferster), and Claims 8, 26 and 37, as being obvious from *Sakai* and *Takeuchi* in view of U.S. Patent 5,974,220 (Kajimoto).

Independent Claim 1 is directed to an apparatus for processing information data recorded on a recording medium and playback description data indicating a playback procedure of the information data. The apparatus of Claim 1 comprises modified information data processing means for generating modified information data by using part of the information data designated in the playback procedure indicated by the playback description data. Description data processing means modify the playback procedure such that the modified information data are played back instead of the part of the information data, and modify the content of the playback description data according to the modified playback procedure. The playback description data comprises playback time information indicating a playback start time or a playback end time of the information data, and the

description data processing means change the playback start time or the playback end time according to a playback time of the modified information data, and said description data processing means further generate restoration time information indicating an amount of change of the playback start time or the playback end time and add the restoration information to the playback description data. Also provided are recording means, for recording the modified information data and the playback description data including the playback time information and the restoration time information on the recording medium, and deleting means, for deleting the modified information data designated in the modified playback procedure indicated by the playback description data from the recording medium in response to a deletion instruction. Also, according to Claim 1, the description data processing means restore the playback procedure such that the part of the information data is played back instead of the modified information data, change the content of the playback description data recorded on the recording medium according to the restored playback procedure in response to the deletion instruction of the modified information data, and change the playback start time or the playback end time included in the playback description data recorded on the recording medium according to the restoration information in the playback description data recorded on the recording medium to restore the playback time information in response to the deletion instruction of the modified information data.

Among other notable features of an apparatus constructed according to Claim 1, are the generation of restoration time information indicating an amount of change of a playback start time or a playback end time of information data according to a playback time of modified information data, and recording of the restoration time information together with the modified information data on a recording medium.

Also, in response to a deletion instruction to delete the modified information data from the recording medium, a playback procedure indicated by playback description data is restored so as to play back part of the information data instead of the modified information data. Further, in response to the deletion instruction to delete the modified information data from the recording medium, the playback start time or the play back end time are changed according to the restoration time information.

The Examiner states at page 5 of the Office Action that *Sakai* discloses restoring a playback procedure in response to modification instructions. Yet in *Sakai* system, as the Examiner also notes, the modified data (X1 or X2 in Fig. 4F) is not played back if a transition period (T in Fig. 4B) is set to zero. What is more, the modified data X1 and X2 will not be generated or stored in optical disk 1 when the transition period is set to zero.

Claim 1 recites "deleting means for *deleting* the modified information data designated in the modified playback procedure indicated by the playback description data from the recording medium *in response to a deletion instruction* [emphases added]". Even if the *Sakai* system makes a determination as to whether or not to record modified data depending on the transition period T set by a user when the user creates an editing list, however, Applicant submits that that patent does not provide any disclosure that would provide a clear teaching to a person of ordinary skill that modified data should, or could, be deleted under the circumstances recited in Claim 1, and indeed, it appears to Applicant that *Sakai* never in fact contemplated any such capability.

Thus Even if *Takeuchi* reference is deemed to teach all that it is cited for, therefore, and even if it is assumed that the proposed combination thereof with *Sakai* would

be a proper one, the result of such combination still would not have all the features recited in Claim 1. Accordingly, Claim 1 is believed to be allowable over those two patents, taken separately or in any permissible combination.

Independent Claim 15 is directed to an apparatus for processing playback description data indicating a playback procedure of information data recorded on a recording medium, where the playback description data contain an information data object having playback time information indicating a playback start time or a playback end time of the information data. That apparatus comprises instruction means, for modifying the playback procedure such that modified information data generated by using part of the information data designated in the playback procedure indicated by the playback description data is played back instead of the part of the information data, and description data processing means, for changing the playback start time or the playback end time indicated by the playback time information of the information data object according to a playback time of the modified information data, and adding restoration time information indicating an amount of change of the playback start time or the playback end time to the information data object. The description data processing means add, according to the modified playback procedure, a modified information data object designating a playback operation of the modified information data to the playback description data. Recording means record the modified information data and the playback description data including the information data object and the modified information data object in the recording medium, and deleting means delete the modified information data from the recording medium in response to a deletion instruction. Moreover, the description data processing means, according to Claim 15, delete the modified information data object from the playback

description data recorded on the recording medium to restore the playback procedure such that the part of the information data is played back instead of the modified information data in response to the deletion instruction of the modified information data, and change the playback start time or the playback end time included in the playback description data recorded on the recording medium according to the restoration information to restore the playback time information.

Claim 15 is believed to be allowable over *Sakai* and *Takeuchi*, taken separately or in any permissible combination, at least by virtue of the deleting means.

Independent Claim 21 is directed to a recording apparatus that comprises description data generating means, for generating playback description data indicating a playback procedure of a plurality of items of information data and modified information data which is obtained by performing a modification processing on the information data designated in the playback procedure indicated by the playback description data, where the modified information data have a section on which the modification processing is not performed and a section on which the modification processing is performed. Section information generating means generate section information indicating the section where the modified information data processing has been performed in the modified information data, and recording means record the playback description data and the section information on a recording medium where the plurality of items of information data and the modified information data are recorded.

In his response to Applicant's previous arguments relating to *Sakai*, the Examiner states that, while a preferred embodiment of *Sakai* may store only the video data corresponding to transition periods or the cuts (and thus the modified information data

contain only sections corresponding to those inside transition periods on which the modification is performed), that "Sakai says however, 'this is not limitative of the invention. Alternatively, the result of the editing associated with the transition period may be recorded to the optical disk etc [emphasis original]". The Examiner also refers to "the modified information data" in Fig. 4G as "the result of the editing associated with the transition period". Applicant respectfully disagrees. In the section just before that mentioned by the Examiner, it is stated that " In the first embodiment described above, where levels of video signals are gradually changed for special effects starting or ending a video signal image in accordance with a predetermined transition period and a predetermined mode, the process has been shown to be executed under control of the video process circuit 26 as per the editing list." (*Sakai*, col. 15, lines 15-20.)

According to this description, it is obvious that "the result of the editing associated with the transition period" indicates the section "where levels of video signals are gradually changed for special effects starting or ending a video signal image".

In other words, the result of the editing associated with the transition period" is not "the modified information data" that contains sections on which modification processing is not performed and sections on which modification processing is performed, as is asserted in the Office Action.

Applicant believes that it is most important that the objective of *Sakai* is to obtain the desired results of editing while leaving the original materials intact, by using the editing list to reproduce data recorded on a optical disk. On the other hand, the data shown in Fig. 4G is all generated by adding modification to original data A to portion D shown in Fig. 4A. In view of the above-stated objective of the *Sakai* system, Applicant submits that

one of ordinary skill would assume that *Sakai* would *not* want to record these data in Fig. 4G on the optical disk 1. Accordingly, Applicant respectfully disagrees with the Examiner's interpretation of that patent, and submits that Claim 21 is allowable thereover, taken alone or together in the proposed combination with *Takeuchi*.

Independent Claims 31 and 49 each correspond to Claim 1 or 21, respectively, and are believed to be patentable for at least the same reasons as discussed above in connection with the latter claims.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

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